

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
KEVIN MOORE,

Plaintiff,

- against -

ANTHONY J. ANNUCCI, et al.,

Defendants.
----- X

16 Civ. 4773 (KMK)

**STIPULATION OF SETTLEMENT
AND PARTIAL ORDER OF
DISMISSAL**

This SETTLEMENT STIPULATION AND PARTIAL ORDER OF DISMISSAL is made by and between Plaintiff Kevin Moore ("Plaintiff") and Defendant Donald Cosman ("Settling Defendant"), and specifically excludes, and does not resolve, any claims asserted against Defendants Kathy Todd-Scott, George Santiago, Carson Morris, Andrew Lowery, or Susan Langford in this action; and

WHEREAS, Plaintiff commenced this action ("the Action"), by filing a complaint on or about June 21, 2016 against Defendants, followed by the filing of an amended complaint on or about November 9, 2016 (the "Amended Complaint"), alleging that Defendants had violated Plaintiff's rights under 42 U.S.C. §1983 during Plaintiff's incarceration in the New York State Department of Corrections and Community Supervision ("DOCCS") system; and

WHEREAS, Plaintiff and Settling Defendant wish to fully resolve the claims alleged in the Amended Complaint in the Action and have negotiated in good faith for that purpose; and

WHEREAS, none of the parties to the Action is an infant or incompetent person; and

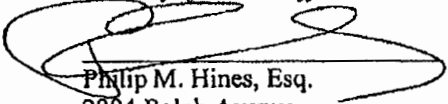
WHEREAS, Plaintiff represents and warrants that, other than this Action, he has no action or proceeding pending in any court, state or federal, arising out of or relating to the subject matter of this lawsuit;

NOW THEREFORE, in consideration of the mutual promises, covenants, representations, and other consideration contained in the General Release previously tendered by Plaintiff to Settling Defendant, the sufficiency of which is hereby acknowledged, and the payment of the settlement sum set forth in the General Release by Settling Defendant in full satisfaction of its obligations, this Action and all claims asserted herein against Defendant Donald Cosman are discontinued with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

This Settlement Stipulation may be executed in any number of counterparts, all of which taken together shall constitute one Settlement Stipulation, and may be executed by facsimile and/or electronic signature.

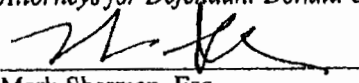
Dated: New York, New York
August 28, 2018

HELD & HINES, LLP
Attorneys for Plaintiff



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LAW OFFICES OF MARK SHERMAN
Attorneys for Defendant Donald Cosman



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SO ORDERED:

Dated: White Plains, New York
Aug 29, 2018



Hon. Kenneth M. Karas, U.S.D.J.